21: Thomas T-3 (no date) MM2 Hadhramaut MM2

a sort of christening ceremony which we perform on ships with the cooler and more fragrant blood of the grape. The custom in Oman when a new house is finished is for the prospective occupant to slay a sheep on going in. He dabbles his hand in the pool of blood and smears the door-posts. This custom is also observed in the plain of the Dhufar during actual building operations. The meat is eaten by the builders themselves and the blood is smeared indiscriminately over the walls. On the completion of the house, the incomer dashes two hens' eggs on the threshold, two on the stairway and two on the upstairs doorway. This is anathema to the mountain dwellers, who in any case have no houses, but chiefly because the hen and all other bird flesh and birds' eggs are with them taboo. It would be the greatest insult to place such things as food before the non-Arabic speaking tribesman of the mountains.

LAW AND DISPUTES.

As in most tribal societies in Arabia, *hukm al hauz*, or a code of ancient sanctions, is the law. The *hauz* is a wise man of the tribe. Not infrequently his is an hereditary office, occasionally the *hauz* is the shaikh of his tribe. Shara law, i.e. holy law in Oman and elsewhere, is the law of the coastal townships. Outside them it will be resorted to in cases of matrimony, and sometimes of divorce and inheritance; in disputes or crime cases scarcely at all. That is the province of the *hauz*. The same is true of these South Arabians. The Shara or holy law is distasteful to these people and can only be imposed even along the coast by government force. Their own code varies considerably from the code of Oman or that of Hadhramaut, showing evidences of exclusive origin. They have a passionate attachment to the eye-for-an-eye idea, the need of making the punishment fit the crime. An example, told me by the Wali of Dhufar as having taken place last year is as follows: "X" was going on a journey into the "Y's" country and took a *rabia* from "Y." On arriving there the sacred law of protection was transgressed and "X" found himself wounded with a bullet through the fleshy part of his thigh. A *hauz* heard the case and decided that "Y," the innocent party but member of the offending tribe, must submit to the infliction of a similar wound as that which "X" had sustained. For this purpose a piece of stick was brought and sharpened skewer fashion. This was thrust into "Y's" leg and a bullet was threaded and drawn in its path. By local canons "X's" grievance was removed.

In Oman the abuse of the *rabia* would be followed by war between the two tribes unless the offended party agreed to the ruling of the *hauz*, when he would receive from the offenders *Laum-al-wijh* (blame of the face), which is usually assessed at 400 dollars. Murder, which in Arab tribal societies is almost invariably settled by blood-money which varies between 400 and 1,000 dollars (or rather its equivalent in kind), in these Qara mountains is assessed prodigiously high, in theory something like 5,000 dollars, which may take a lifetime to pay off, but is most usually complicated by a vendetta. The murdered man may be poor, so that his close relatives will in any case be impoverished, but collections are made from each and every member of the tribe, who as a point of honour or from inescapable custom, must bear the brunt.

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concerned, in the same manner and to the same extent as if such matters had arisen in the Colony. 648 671x 692

Deputies.

10. In the event of the Governor having occasion at any time to be absent for a short period from the seat of Government, or in the exercise or discharge of any powers or duties conferred or imposed upon him by virtue of his office to visit any neighbouring territories, he may by an Instrument under the Public Seal appoint any person to be his Deputy within the Protectorate or any part thereof during such temporary absence, and in that capacity to exercise, perform and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor as shall in and by such Instrument be specified and limited, but no others. 648 671x

Every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance. The power and authority of the Governor shall not by the appointment of a Deputy as aforesaid be abridged, altered or in any way affected otherwise than His Majesty may at any time hereafter think proper to direct.

Appointment of Officers.

11. The Governor may constitute and appoint all such necessary officers as may be lawfully constituted or appointed by His Majesty, all of whom, unless otherwise provided by law, shall hold their offices during His Majesty's pleasure.

Pardon.

12. When any offence has been committed for which the offender may be tried by any of His Majesty's courts having jurisdiction within the Protectorate, the Governor may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender or of any one of such offenders if more than one; and further may grant to any offender convicted in any such court a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any penalties or forfeitures due to His Majesty. 648 671x 696

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VI.—Orders under Acts of the Governor General in Council.

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No. **1431-I,** dated 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory; and whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death, or no suitable appliances for his execution in a decent and humane manner; Execution of capital sentences in British India.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such Superintendent or Keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this notification shall be in the form set forth in the schedule hereto annexed.

Schedule.

Form of Warrant.

To

The Superintendent or Keeper of the Jail at
in British India.

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Whereas at a trial held on the day of 189 , at (name of place), in (name of territory), before me A.B. (name of Judge), being the presiding officer of a British Court exercising in (or with respect to) territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory, C.D. (name of prisoner) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death (S and the S to be omitted when sentence said sentence has does not require confirmation been confirmed by E.F. (name of authority).);

And whereas there is in (name of territory) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

This is to authorize and require you, the said Superintendent (or Keeper), being a Superintendent (or Keeper) of a jail specified in an order under section 2 of Act No. V of 1893, passed by the Governor General of India in Council, to receive the said C.D. (prisoner's name) into your custody in the said jail together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C.D. (prisoner's name) to be hanged by the neck until he be dead, at (time and place of execution), and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 189 .

Seal.

(Signature)

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In Bombay.
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No. 4220, dated the 3rd July, 1895.—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, No. 1431-I., dated the 27th April, 1893, the Governor General in Council has been pleased, by letter No. 3080-I., dated 2nd September, 1893, to authorise the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid.

Now the Governor in Council is pleased, in pursuance of the said authorisation—

(a) to direct that the jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid; and

(b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

TABLE.

From the Court of the Political Resident, Aden,	To the Prison at Aden.
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